IN THE HIGH COURT OF JUDICTURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Abdul Gafoor Khan. Versus State of Rajasthan.

S.B. Criminal Misc. Petition No.1284/2005.

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Date of Order: January 22, 2007

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Narendra Singh, for the petitioner.
Mr. Rameshwar Dave, Public Prosecutor for the State.

BY THE COURT:

By the instant criminal miscellaneous petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, "the Code" hereinafter), the petitioner has challenged the order dated 15-1-2002 passed by the Chief Judicial Magistrate, Nagaur (for short, "the trial Court" hereinafter), whereby the trial Court accepted the final report submitted by the police in FIR No.266/1999, Police Station, Nagaur.

I have heard learned counsel for the parties. Carefully gone through the impugned order, as also the record of the trial Court.

The petitioner filed an FIR alleging therein that the accused named in the FIR, namely Guljar Ahmed and Sarafat Ali,

are not the residents of Nagaur but a Certificate issued by the Sarpanch of Gram Panchayat, Basni and a certificate of the District Education Officer have been obtained by the accused by fraudulent means.

It appears that the Sub-Divisional Magistrate, Nagaur issued the Domicile Certificate showing Guljar Ahmed and Sarafat Ali as the residents of district Nagaur, vide Domicile Certificate dated 19-9-1996 on the basis of the certified voters' list issued by the Sarpanch etc. The Domicile Certificate issued by the Sub-Divisional Magistrate showing accused Galjar Ahmed as the resident of district Nagaur, has not been challenged by the petitioner. In the circumstances, therefore, the trial Court was justified in accepting the negative final report filed by the police. No case for interference in the inherent jurisdiction under Section 482 of the Code is made out.

The criminal miscellaneous petition is, therefore, dismissed. However, it is open for the petitioner, if so advised, to challenge the Domicile Certificate issued by the Sub-Divisional Magistrate before the appropriate authority.

(H.R. PANWAR), J.

mcs